

Amendment No. 7 to SB1933

Southerland
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1933*

House Bill No. 1421

by deleting Section 5, subsection (b) of the bill as amended and by substituting instead the following:

(b) The Tennessee regulatory authority shall review the managerial, technical and financial capabilities of the applicant prior to granting a statewide certificate. Cable or video service providers using telecommunications facilities to provide cable or video service and who, as of January 1, 2007 have more than one million telecommunications access lines in this state are deemed by operation of law to have the managerial, technical and financial capability to obtain a statewide certificate and thus, for those entities, the TRA shall not conduct any form of review. The Tennessee regulatory authority shall issue a certificate of franchise authority authorizing the applicant to offer cable or video service in this state within forty-five (45) days of receipt of a filing fee of five hundred dollars (\$500) and an affidavit submitted by the applicant and signed by an officer or general partner of the applicant affirming the items outlined in the following subdivisions. Any amendment to the application shall require an additional two hundred fifty dollar (\$250) filing fee. The affidavit described in this section is the sole requirement for issuance of the certificate of franchise authority. The Tennessee regulatory authority shall not conduct any form of regulatory proceeding regarding issuance of the certificate. The Tennessee regulatory authority's function is ministerial in nature. This act does not confer upon the Tennessee regulatory authority power or jurisdiction over the providers of cable or video service. The Tennessee regulatory authority may act only in the manner prescribed herein with respect to cable or video service franchising. The affidavit shall affirm the following:

(1) That the applicant agrees to comply with all applicable federal and state laws and regulations to the extent that such state laws and regulations are

not in conflict with or superseded by the provisions of this part or other applicable law;

(2) A description of the municipalities and unincorporated counties to be served, in whole or in part, by the applicant, which description shall be updated by the applicant prior to the provision of cable or video service to an area within a previously undesignated unincorporated county or municipality;

(3) The location of the principal place of business and the names of the principal executive officers of the applicant; and

(4) That neither the applicant nor any predecessor entity to the applicant owes any fees, debts, payments or contributions under an existing, expired or terminated cable or video franchise agreement anywhere in the state; provided however, that this requirement shall not extend to any such fees, debts, payments or contributions that are currently under audit or are being disputed in any administrative or judicial proceeding.